

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. _____

KELLEE CARMAN,

Plaintiff,

v.

AFFILIATED CREDIT SERVICES
aka WAKEFIELD & ASSOCIATES,

Defendant.

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

(Unlawful Debt Collection Practices)

PLAINTIFF'S COMPLAINT

KELLEE CARMAN, Plaintiff, through her attorneys, KROHN & MOSS, LTD., alleges the following against AFFILIATED CREDIT SERVICES aka WAKEFIELD & ASSOCIATES, Defendant:

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
3. Because Defendant is located in the State of Colorado, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.
5. Declaratory relief is available pursuant to *28 U.S.C. 2201 and 2202*.

PARTIES

6. Plaintiff is a natural person residing in Chittenden, Vermont and is allegedly obligated to pay a debt and is a “consumer” as that term is defined by *15 U.S.C. 1692a(3)*.
7. Pursuant to the definitions outlined in *15 U.S.C. 1692a(1-6)*, Defendant is a debt collector and sought to collect a consumer debt from Plaintiff which was allegedly due and owing from Plaintiff, and Plaintiff is a consumer debtor.
8. Defendant is a national company with an office location in Aurora, Colorado.
9. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a “debt collector” as that term is defined by *15 U.S.C. § 1692a(6)*.

10. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

11. Defendant constantly and continuously places collection calls to Plaintiff at telephone number (802) 598-4960 seeking and demanding payment for an alleged debt.
12. Defendant calls Plaintiff from telephone number 888-633-7202
13. Defendant placed telephone calls without meaningful disclosure of the caller's identity; Defendant only calls themselves "Don".
14. Defendant fails to disclose in subsequent communications that the calls are from a debt collector.

**COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

15. Defendant violated the FDCPA based on the following:
- a. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff;
 - b. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without meaningful disclosure of the caller's identity because Defendant only calls themselves "Don"; and
 - c. Defendant violated §1692e(11) of the FDCPA by failing to disclose in subsequent communications that the communication is from a debt collector.

WHEREFORE, Plaintiff, KELLEEE CARMAN, respectfully requests judgment be entered against Defendant, AFFILIATED CREDIT SERVICES aka WAKEFIELD & ASSOCIATES, for the following:

16. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act,
17. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
18. Actual damages,
19. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
20. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff, KELLEEE CARMAN, requests a jury trial in this case.

DATED: March 12, 2010

KROHN & MOSS, LTD.

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VERIFICATION OF COMPLAINT AND CERTIFICATION

(STATE OF VERMONT)

Plaintiff, KELLEEE CARMAN, says as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, KELLEEE CARMAN, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: 3/8/10



KELLEEE CARMAN,
Plaintiff